
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JESSICA RADCLIFF, individually and
as mother and next friend of C.R., a
minor,

Plaintiff,

v.

Case No. CIV-21-253-JD

WAL-MART STORES EAST, L.P.,

Defendant.

NOTICE OF REMOVAL

**TO: THE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Defendant, Wal-Mart Stores East, L.P., a Delaware Limited Partnership (“Walmart”) pursuant to Title 28 U.S.C. §§1331, 1441(a) and 1446 and LCvR 81.2, file this Notice of Removal of the civil action filed against it in the District Court of Canadian County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of removal, Defendant states as follows:

1. Plaintiff, Jessica Radcliff filed her Petition in the District Court of Canadian County on September 17, 2020. (*See* copy of the Canadian County District Court Docket, attached as Exhibit “1”).
2. Plaintiff, Jessica Radcliff individually and as mother and next friend of C.R. a minor, has pled damages in excess of the amount required for diversity

jurisdiction pursuant to Title 28 U.S.C. §1332. (See Plaintiff's Petition, attached as Exhibit "2").

3. It is Defendant's belief that Plaintiff is a resident and citizen of the State of Oklahoma.
4. Defendant Wal-Mart Stores East, L.P. a Delaware Limited Partnership, is a wholly-owned subsidiary of Walmart, Inc., a Delaware Corporation with its principal place of business in Bentonville, Arkansas, which is composed of two partners, namely WSE Management, LLC (GP) and WSE Investment, LLC (LP), both of which are Delaware limited liability companies with their principal place of business in Bentonville, Arkansas. Further, the sole member of said two liability companies is Walmart Inc., a Delaware Corporation and is a publicly traded corporation. Further, the principal place of business of Wal-Mart Stores East, L.P., and Walmart Inc., is Bentonville, Arkansas. Consequently, Defendant Walmart is a citizen of the State of Arkansas.
5. Because this is a civil action between citizens of different states and the amount in controversy is in excess of seventy-five thousand dollars (\$75,000), this Court has original subject matter jurisdiction over the civil action pursuant to Title 28 U.S.C. §1332(a)(1). Removal of the action to this Court by Defendant Walmart is made pursuant to the provisions of Title 28 U.S.C. §1441.
6. In accordance with the provisions of Title 28 U.S.C. §1391(a), venue is proper in the United States District Court for the Western District of Oklahoma because

the alleged incident occurred in Canadian County, State of Oklahoma, which is in the Western District of Oklahoma.

7. By virtue of this Notice of Removal, Defendant does not waive its right to assert any jurisdictional claims or pursue other motions or defenses, including those available under Rule 12 of the Federal Rules of Civil Procedure.
8. In accordance with the provisions of Title 28 U.S.C. §1446(a) and the local rules of the United States District Court for the Western District of Oklahoma, legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

CJ-2020-460 (Canadian County District Court)

Exhibit 1: Copy of the Canadian County District Court Docket

Exhibit 2: Petition

Exhibit 3: Summons

Exhibit 4: Defendant's Answer to Plaintiff's Petition

Exhibit 5: Entry of Appearance for Michael Brewer

Exhibit 6: Entry of Appearance for Jeff Scott

In accordance with the provisions of Title 28 U.S.C. §1446(d), Defendant is serving a copy of this Notice of Removal upon Plaintiff and filing a Notice of Removal with the Clerk of the District Court of Canadian County, State of

Oklahoma, where this case was originally filed. Copies of this Notice are being served upon Plaintiff and filed with the Canadian County Court Clerk contemporaneous with this document.

WHEREFORE, Defendant prays that the Court take jurisdiction in this action to the exclusion of any further proceedings in the District Court of Canadian County.

Respectfully submitted,

/s/Michael W. Brewer
MICHAEL W. BREWER, OBA # 11769
JEFFREY D. SCOTT, OBA # 32115
HILTGEN & BREWER, P.C.
9505 North Kelley Avenue
Oklahoma City, OK 73131
Telephone: (405) 605-9000
Facsimile: (405) 605-9010
mbrewer@hbokc.law
jscott@hbokc.law
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

SCOTT R. JACKSON, OBA #17502

P.O. Box 2403

Ponca City, OK 74602

Telephone: 580-765-9967

Facsimile: 580-765-5433

sjackson@mjjlawfirm.com

ATTORNEYS FOR PLAINTIFF

/s/Michael W. Brewer

MICHAEL W. BREWER